

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.154 OF 1993

National Electrical Industries Ltd.	Petitioner
Vs	
1. M/s Janata Bazar and Stores Pvt Ltd and ors.	Respondents.

Mr.S.M.Railkar, for R.Nos 29 and 31.

CORAM : D.B.BHOSALE, J.

DATE : FEBRUARY 21, 2005.

P.C.

1. This petition is directed against the judgment and order dated 5.3.1992 passed in Misc.Notice No.34 of 1992 in Obstructionist Notice No.157 of 1982 in R.A.E.&R. Suit No.877/3052 of 1980, by which the notice was made absolute and hearing of the obstructionist notice was stayed till the decision of Short Cause Suit No.2887 of 1981 filed in the City Civil Court. This Court, while admitting this petition on 23.11.1993, had granted interim reliefs in terms of prayer clauses (b) and (c). Prayer clauses (b) and (c) read thus :

"(b) Pending the hearing and final disposal of this petition, execution, operation and implementation of the judgment and order dated 5th March, 1992 passed

by the Judge of Small Causes Court at Bombay In Misc. Notice No.34 of 1992 Exhibit "E" herein be stayed;"

(c) Pending the hearing and final disposal of this petition, the Small causes Court at Bombay be directed to forthwith proceed with the hearing of obstructionist Notice No.157 of 1982 in RAE & R Suit No.877/3052/80 and dispose of the same on merits."

It is thus clear that by way of the interim reliefs, the Small Causes Court was directed to forthwith proceed with the hearing of the Obstructionist Notice No.157 of 1982 in RAE & R Suit NO.877/3052/80 and dispose of the same on merits. It appears that the obstructionist notice must have been decided in pursuance of the interim order passed on 23.11.1993 and that may be the reason why the petitioners have not appeared and/or responded to the notices issued by this Court after their Advocate, who had filed this writ petition, was elevated as a Judge of this Court. In the circumstances, I am constrained to dismiss this petition for nonprosecution. Order accordingly. Rule is discharged.

(D.B.Bhosale, J.)